

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on July 9, 02, and the references cited therewith.

Claims 1-3, 9-15, 19-20, 31, and 35-36 are amended and claim 37 is canceled; as a result, claims 1-36 are now pending in this application.

§102 Rejection of the Claims

Claims 1-29 were rejected under 35 USC § 102(e) as being anticipated by Ran (U.S. Patent No. 6,317,686). Applicant does not admit that the Ran reference is indeed prior art and reserves the right to swear behind the same at a later date. Nonetheless, Applicant believes that the present invention is distinguishable from the Ran reference for the following reasons.

Ran appears to describe a traffic “prediction” and trip decision support system. (See abstract; col. 21, line 41; and col. 22, line 1, line 7, line 20, line 24, line 40 “**predictive** travel costs,” line 47, line 52, and line 54). Ran appears to describe in column 22, beginning at line 48, a “**predictive** “Summary for Your Trip” 99, including travel time, travel speed, travel delay, travel distance, travel cost, arrival time, and start time (or departure time).”

Applicant’s invention includes, as recited in amended independent claim 1, “monitoring travel of the PDA and recording track log data points that represent the PDA travel and associating a travel distance from the recorded track log with a PDA expense report entry.”

Applicant submits that using an actual track log to associate a travel distance with a PDA expense report entry is not equivalent to “predicting” a travel cost based on a pre-chosen route. Indeed, there is no indication or affirmation that, in Ran, any selected route will actually be taken. Thus, a travel cost prediction is just that, a prediction of what a route may cost if a route is followed. From Applicant’s review, Ran further does not describe associating an actual, or completed travel distance with an expense report entry, such that a valid trip expense report, accurately detailed for actual travel distance (including diversions from a pre-planned route or side trips), can be conveniently submitted for remuneration of travel expenses.

As stated in the Applicant’s specification, one aspect of the present invention is a PDA device that is capable of being used to generate expense reports based on travel distances

determined from navigation data. (See specification, page 3, lines 24-26). In the Applicant's invention, such expense reports are not simply "predictive costs" but rather complete expense reports which reflect actual completed travel.

From a review of Ran, Applicant is unable to locate any description for "monitoring travel of the PDA and recording track log data points that represent the PDA travel." In column 21, lines 62-64, Ran appears to mention a summary of the historical statistics for the user, if the same route was used before. However, this does not give any description of monitoring a PDA's travel or recording track log data points that represents the PDA travel. Rather this appears only to relate to calling up a historical route with no assurance the route will be retraced.

In the Applicant's specification on page 20, beginning at line 19, the Applicant recites that a "track log is formed by monitoring PDA travel and recording track log data points that represent the PDA travel. Applicant submits that traffic prediction and trip decision support based on weather conditions, vehicle type and the aggressiveness of a particular driver does not pertain to monitoring the travel of a PDA and recording track log data points that represent the PDA travel.

In column 23, beginning on line 22, Ran appears to describe that an Internet-based traffic "**prediction system**" can be located in a handheld computer. However, Ran appears devoid of any discussion for actually monitoring the travel of a PDA.

Applicant submits that each and every element of independent claims 1 and 15, as amended, is not present in the Ran reference. Specifically, the Ran reference neither describes, suggests, or teaches "monitoring travel of the PDA and recording track log data points that represent the PDA travel and associating a travel distance from the recorded track log with a PDA expense report entry." As such, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claims 1 and 15, as well as for the claims which depend therefrom.

As relates to independent claim 21, a similar analysis applies. Since Ran does not describe actually recording the travel of a device, much less a PDA, the Ran reference does not provide any description for "incrementing a counter." Applicant's review of the Ran reference did not uncover any statement of either a counter or incrementing process. Again, since each and every element of independent claim 21 is not present in Ran, Applicant respectfully requests

reconsideration and withdrawal of the 102 rejection for independent claim 21 and those claims which depend therefrom.

§103 Rejection of the Claims

Claim 30 was rejected under 35 USC § 103(a) as being unpatentable over Ran (U.S. Patent No. 6,317,686) in view of Obradovich, et al. (U.S. Patent Pub. No. 2002/0013815). Claim 30 depends from independent claim 21. For the reasons stated above, Applicant believes that independent claim 21 is distinguishable over the Ran reference. Specifically, the Ran reference does not provide any description for “incrementing a counter.” Applicant’s review of the Ran reference does not review any statement of either a counter or incrementing process.

The Obradovich reference does not cure the deficiencies shown in Ran. Accordingly, neither Ran nor Obradovich, either individually or in combination teach, describe, or suggest each and every element of independent claim 21. Thus, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection for claim 30.

Claims 31-37 were rejected under 35 USC § 103(a) as being unpatentable over Ran (U.S. Patent No. 6,317,686) in view of Yamashita, et al. (U.S. Patent Pub. No. 2002/0052689). Independent claim 31, as amended, contains similar elements and limitations as those described in detail above in connection with independent claims 1 and 15. For the reasons provided above, Applicant believes that independent claim 31 is likewise distinguishable over the Ran reference. The Yamashita reference does not cure the shortcomings of the Ran reference. Accordingly, reconsideration and withdrawal of the 103 rejection of claim 31, as well as those claims which depend therefrom, is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants attorney ((612) 373-6960) to facilitate prosecution of this application.

Respectfully submitted,

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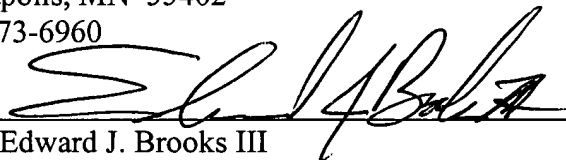
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 8th day of October, 2002.

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